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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
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13 vs.
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15 PAUL MICHAEL MARCINIAK,
16
17 Defendant.

CASE NO.: 2:17-cr-00014-JAD-PAL

**STIPULATION TO CONTINUE
SENTENCING**

(THIRD REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael
16 Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of
17 America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel Cowhig,
18 Assistant United States Attorney, that the sentencing hearing currently scheduled for
19 February 25, 2019, at the hour of 10:00 a.m., be vacated and continued for approximately six
20 months to a date and time that is convenient to this Honorable Court.

21 The request for a continuance is based upon the following:

- 22 1. Mr. Marciniak is currently in state custody in the Commonwealth of Virginia at this
23 time, and it is unknown when he will be transported to Nevada.
- 24 2. A federal detainer has been placed on Mr. Marciniak in this case and he will be
25 brought to Nevada before his release from custody. In addition to his Virginia matter,
26 Mr. Marciniak may also have detainers from the states of Florida and Michigan that
may need to be resolved before transport to Nevada.
- 27 3. The parties will notify the Court as soon as Mr. Marciniak is brought to Nevada and
28 will request the sentencing date be advanced if appropriate.

- 1 4. The additional time requested by this Stipulation to Continue Sentencing is reasonable
2 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good
3 cause, change any time limits prescribed in this rule.”
- 4 5. The additional time requested herein is not sought for the purposes of undue delay.
- 5 6. Additionally, denial of this request for a continuance could result in a miscarriage of
6 justice.

7 DATED: February 22, 2019

8 Respectfully submitted,

9 /s/ Thomas A. Ericsson

10 Thomas A. Ericsson, Esq.
11 Oronoz & Ericsson, LLC
12 1050 Indigo Dr., Suite 120
13 Las Vegas, Nevada 89145
14 Attorney for Defendant Marciniak

/s/ Daniel Cowhig

Daniel Cowhig
Assistant United States Attorney
District of Nevada
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada, 89101
Attorney for the United States of America

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL MICHAEL MARCINIAK,

Defendant.

CASE NO.: 2:17-cr-00014-JAD-PAL

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Mr. Marciniak is currently in state custody in the Commonwealth of Virginia at this time, and it is unknown when he will be transported to Nevada.
2. A federal detainer has been placed on Mr. Marciniak in this case and he will be brought to Nevada before his release from custody. In addition to his Virginia matter, Mr. Marciniak may also have detainers from the states of Florida and Michigan that may need to be resolved before transport to Nevada.
3. The parties will notify the Court as soon as Mr. Marciniak is brought to Nevada and will request the sentencing date be advanced if appropriate.
4. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
5. The additional time requested herein is not sought for the purposes of undue delay.

Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW

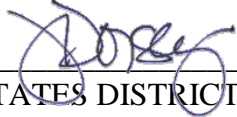
The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for
5 February 25, 2019, be vacated and continued to August 7, 2019, at the hour of 10:00 a.m.

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7 DATED this 22nd day of February, 2019.

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10 UNITED STATES DISTRICT JUDGE
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